

Appl. No.: 10/062,467
Amdt. Dated July 27, 2005
Reply to Office action of April 27, 2005

REMARKS/ARGUMENTS

Claims 2, 4, 5, 8, and 12 have been amended and claim 1 has been cancelled. Support for these amendments and new claim can be found throughout the specification, and in the original and previously presented claims, as described below. Therefore, no new matter has been added by way of claim amendment or presentation of new claims. Entry of these amendments and new claim into the above-identified application is respectfully requested.

Claims 2, 4, 5, and 8 have been amended as suggested by the Examiner to incorporate the phrase, "an IgA heavy chain containing C_H1α, C_H2α, and C_H3α domains and an IgA light chain containing a C_L domain." Support for these amendments may be found at page 8, lines 8-12 of the specification. Claims 2 and 12 have also been amended as suggested by the Examiner to incorporate the phrase, "epithelial cell surface." These amendments were made for clarity, and support may be found in claims 2 and 12 a previously presented. Finally, claim 12 has been amended as suggested by the Examiner to incorporate the phrase, "factor attached to a basolateral domain of an epithelial cell." Support for this amendment may be found at page 5, lines 6-17 of the specification.

Claims 2-12 are pending in the application. Entry of these claim amendments is respectfully requested in view of the following remarks. The Examiner's comments in the Office Action are addressed below in the order set forth therein.

The Objection to Claim 8 Should Be Withdrawn

Claim 8 has been objected to because "part of the last line has been lined through." Since claim 8 was newly presented in the Reply to the Office Action dated January 28, 2005, the Examiner states that he is uncertain as to the purpose of the lining through. Applicants have removed the underlining and lining through for claim 8. Accordingly this objection should be withdrawn.

The Rejection of the Claims Under 35 U.S.C. §112 Should Be Withdrawn

Claims 2-12 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter that the Examiner contends is not described in the specification in a way as to

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reasonably convey to one of skill in the art that the inventors, at the time the application was filed, had possession of the claimed invention. The rejection is respectfully traversed for the reasons described below.

The Examiner states that adequate support is not found in the specification for the targeting molecule not containing at least one domain selected from the group consisting of the C_H1α, C_H2α, C_H3α, and C_L domains. The Examiner suggests amending claims 2, 4, 5, and 8 to substitute the phrase "the targeting molecule does not contain at least one domain selected from the group consisting of the C_H1α, C_H2α, C_H3α, and C_L domains," with "the targeting molecule does not contain an IgA heavy chain containing C_H1α, C_H2α, and C_H3α domains and an IgA light chain containing a C_L domain." The Examiner further states that the specification fails to recite the phrase "basolateral epithelial surface" and suggests amending claim 12 such that the claim recite the phrase "basolateral factor attached to a basolateral domain of an epithelial cell surface."

As described above, claims 2, 4, 5, 8, and 12 have been amended as suggested by the Examiner. Accordingly, the rejection of claims 2-12 under 35 U.S.C. § 112, first paragraph should be withdrawn.

Claims 2 and 12 have been rejected under 35 U.S.C. § 112, second paragraph, as containing subject matter that the Examiner contends is indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. The rejection is respectfully traversed for the reasons described below.

The Examiner states that in line 6 of claim 2, "or surface," is unclear. The Examiner suggests amending claim 2 to insert the phrase "epithelial cell" before "surface." In addition, the Examiner states that in claim 12, the meaning and scope of "basolateral epithelial surface" is uncertain. The Examiner states that the amendment described above for claim 12 will overcome this indefiniteness.

As described above, claims 2 and 12 have been amended as suggested by the Examiner. Accordingly, the rejection of claims 2-12 under 35 U.S.C. § 112, second paragraph should be withdrawn.

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Maintained Double-Patenting Rejections

Applicants note that the Examiner has maintained rejections of claims 2-12 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over the claims of U.S. Patent Nos. 6,391,280 and 6,045,774. Applicants file concurrently herewith terminal disclaimers in compliance with 37 C.F.R. §1.321(c) disclaiming any patent term beyond the term of U.S. Patent Nos. 6,391,280 and 6,045,774. Accordingly, Applicants respectfully request that this rejection be withdrawn.

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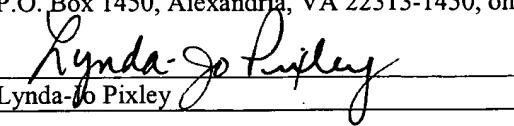
CONCLUSION

In view of the aforementioned amendments and remarks, Applicants respectfully submit that the objection to claim 8 and the rejections of the claims under 35 U.S.C. § 112, first and second paragraphs are overcome. Accordingly, Applicants submit that this application is now in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


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